

-----Original Message-----

From: Michelle J. Budig [mailto:budig@soc.umass.edu]

Sent: Friday, November 22, 2013 2:52 PM

To: Brestrup, Christine

Subject: Comments About the Retreat

Dear Ms. Brestrup and the Planning Board,

I am writing as an Amherst resident who has lived or worked in Amherst for the past 12 years. I currently reside at 111 High Point Drive in Amherst. I strongly oppose the 175-unit development for 641 students in North Amherst (Map 6A, Parcels 84, 91, and 96).

I have multiple reasons for opposing this development based on its negative impact 1) on the quality of life and property values in a long established, historic, and residential neighborhood, 2) of the mass concentration of temporary student renters in a family-oriented, wilderness rich, quiet and outlying neighborhood, and 4) of a non-local national development group driving what should be a citizen-led and comprehensive plan to address housing issues for university/college students.

The University of Massachusetts is a huge economic engine in Amherst, and western Mass generally. I support the university and its students (indeed, I work there!). I understand the need for more student housing. But UMass has just this year opened a new, large residential complex for its commonwealth college students. And UMass has a ton of undeveloped land on its campus that would be more appropriately used to house additional students compared to destroying the wilderness areas of residential North Amherst. Keeping students on campus would greatly facilitate their learning and residential life goals, reduce traffic congestion and environmental degradation, and be an appropriate place for student life programming. Allowing such a very large student body to sprawl across a small residential community such as Amherst will lead to community degradation from temporary renters who lack long-term social and economic investments in the town and its resources.

I moved to North Amherst from Williamsburg last year because I became a mother and wanted to raise my daughter in a quiet, family-oriented neighborhood with excellent schools. We love seeing wildlife in our backyard, breathing clean air, and never worrying about taking long walks on the quiet country roads or locking our home. We value the peace, sanctuary, and safety of our neighborhood. I NEVER would have moved to Amherst if I knew that we were buying next to a very large outlying student development. It will change everything for us, and

despite our property values very likely plummeting, we will leave Amherst if this happens.

Please help preserve the tax-relevant property values, the peace and safety for children, and the beautifully managed wilderness areas of North Amherst. Don't allow a national development company to destroy local resources.

Sincerely,

Michelle J. Budig
Professor of Sociology
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University of Massachusetts
Amherst, MA 01003-9277

ph: 413-545-5972
budig@soc.umass.edu

From: Nancy Farber [mailto:nancy@cushmanscott.org]

Sent: Monday, November 25, 2013 11:19 AM

To: Brestrup, Christine

Subject: Landmark Proposal

Dear Ms. Brestrup:

I am writing to express my disapproval of the Landmark proposal to build student housing in North Amherst. This large facility would not be a win-win for Amherst, North Amherst, nor the students.

A large housing facility would detract from the current Cushman village appearance. The neighborhood includes streets that were built never intending to handle the large number of cars that this cluster development will bring. I am the Director of the Cushman Scott Children's Center on Henry Street. At this time we have difficulty slowing down the speed of the cars on Henry Street. The additional 700 cars that the development may bring will add to the traffic and make drop off and pick up extremely difficult for our families. In the event of a train coming, the traffic would come to a standstill and not enable the parents to drop off or pick up in a timely manner. Additional buses would also increase the traffic. One of the bus stops is directly across the street from the school. I am not sure that parents would feel safe seeing large numbers of students waiting for the bus across in close proximity to the preschool.

I am also concerned about the blasting. Our school is almost 87 years old. I suspect the foundation may incur damage due to the blasting. The children would also not benefit from blasting. We have very young children who nap here. The blasting may be very unsettling to them especially during nap time. I am also concerned about air pollution, from the blasting for their tiny lungs. I am concerned for the safety of our recently improved playground. I also am concerned for the salamanders as the building, and chemicals would destroy their habitat. In addition the plentiful wildlife on the land would need to relocate and may move down closer to our school.

There has been focus on the additional taxes raised for the Town of Amherst from this project. There needs to be concern about the cost to the town for roads, transportation, emergency care, and the changing of a neighborhood. There has been very little mentioned about these costs to the town. The college students may feel far enough off the beaten path to be impervious to laws and common decency and require many EMT and police visits that would drastically increase the town costs. The current plan with five cul-de-sacs does not provide for crowd dispersal or evacuation in an emergency. The cluster development allows space for large crowds.

Landmark has a reputation of coming in an area and selling quickly. There would be no other use for this facility if it failed. As a mother of four former college students, I certainly would not feel safe sending my child to live, at such a young age, without Residential Assistants, proper management, drug and rape crisis and counseling and the connection to the whole college experience. The proximity of the rail road is also not a win-win in terms of the student game of "Casey Jones"- where students challenge each other to walk the tracks while drinking. This particular piece of land is not suited for this building. There is a lot of ledge, streams and

wetlands. The town needs to look at the entire picture. There is no reason why the zoning laws and building requirements should be changed for this development.

The cluster development would be great in a location where the neighborhood would not change, the students would be close to the University, the building would not damage the neighborhood, and there would be close student supervision. This project is not a win-win and needs to be stopped.

--

Nancy Farber

Director

Cushman Scott Children's Center

"Children, Families and Teachers Learning Together"

René and Susan Théberge
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Planning Board
c/o Christine Brestrup, Senior Planner
Department of Conservation and Development
Town Hall, 4 Boltwood Avenue, Amherst, MA 01002

We are writing in response to your request for comments on The Retreat. We have been home owning residents of Amherst for over 30 years, the last 20 of which have been on Shutesbury Road. Although we are not direct abutters of the planned Retreat, we are close enough to be affected by noise that will come from such a large development (we can hear UMass band practice now) and are located on a street whose traffic patterns will feel the effects of the Retreat if it is built as planned. **This letter pertains to those roadways leading into and out from The Retreat and to The Retreat's high density housing on those roads that will make those entrances favored over the Market Hill Rd. entrance.** Thus, we are writing these comments to you now rather than when you review the traffic impact study, although they pertain to both.

We request that you take the following into consideration in reviewing the proposed plans and their appropriateness for this site:

1. The location of two of the three (Henry Street and Flat Hills Road) proposed entrance/exits, and the resulting usage, are beyond the capability of the structure and character of the existing roads and will create unacceptable and dangerous levels of traffic on these secondary, primarily residential, roads and intersections.
2. Since such a proposed development must have at least two entrance/exits, the very location and size of the proposed development (and the traffic it will generate) is inappropriate as currently proposed.
3. To mitigate this situation may be beyond the capabilities of the town or the developer, given the inability to widen, smooth out or otherwise make safe the above mentioned intersection or Flat Hills Road, North East Street and Henry Street without drastic action such as eminent domain of existing households along the roads. In at least one section of Henry Street, there is literally no place to go other than the railroad tracks or someone's property.

As you are probably aware, Shutesbury Road at its start intersects with Flat Hills Road at just about the point where Northeast Street becomes Henry Street. Shutesbury Road is also a main commuter route for people coming into town and beyond from Shutesbury. Shutesbury Road and Flat Hills Road are very steep hills so that people driving to the intersection are going downhill. Although there are STOP signs at the ends of these two roads, we have frequently seen people casually going right through them and then stopping 15 yards later where Shutesbury Road intersects with the North East/Henry Street changeover. In winter snow and ice and in wet conditions all year round, it is easy for someone to lose control and slide out into the intersection if they are not careful.

In addition, when traveling north on North East Street and when traveling south on Henry Street on just either side of where these four streets meet, the road has curves and either inclines or goes up and down quite quickly resulting in poor sight lines in all directions. Further, there are also two private drives (#s 359 – 429 Henry St and 752 – 782 North East St) just north of this intersection coming from the Henry Street direction.

We see from the submitted plans that there are proposed entrances/exits on both Flat Hills Road and Henry Street in addition to the proposed main entrance on Market Hill Road. The Flat Hills entrance/exit is the closest point of entry/exit for approximately 50 of the planned buildings, which could result in at least an additional 100 to 200 cars (depending on the number of students (2-4) in each unit, plus visitors to these residents. Even with a minimum of one round trip per day, this would result in at least 200 – 400 trips on Flat Hills Road per day.

Similarly, the Henry Street entrance/exit is the closest point of entry/exit for approximately 30 of the planned buildings, which could result in at least an additional 60 to 120 cars (depending on the number of students in each unit) plus visitors to these residents. Again, even with a minimum of one round trip per day, this would result in at least 120 – 240 trips on Henry Street per day.

Fully 65% (80/123) of the buildings are closest to two entrance/exits that are deemed “secondary.” Depending on location and the size of the building and how many units (i.e. bedrooms) each holds, this could result in the majority of residents using one of the “secondary” entrance/exits as 58 of the buildings are three story duplexes housing 12 residents in the building.

This means we are going to see a potential increase of 640 to 1,280 trips per day through the intersection where these four street.

Having lived on Shutesbury Road for 20 years now, we are well aware of the traffic patterns of these streets and the intersection described above. In addition to using Shutesbury Road, Henry Street and North East Street for 19 of these 20 years to commute, we also frequently walk on them on both weekdays and weekends. Based on our experience, even the estimated minimum increase in

traffic is many times the current daily traffic through the intersection from these two entrances/exits.

Currently, it is sometimes a problem to turn left from Henry Street unto the Shutesbury/Flat Hills entryway due to oncoming traffic from North East Street. Similarly, it is sometimes a problem to turn left onto North East Street (heading south) from Shutesbury Road. Cars can come very quickly from either direction on the North East Street/Henry Street throughway. Each of us has waited frequently to make either turn. We are particularly concerned that the additional traffic will cause backups in both direction which has the potential to cause multiple car accidents as cars coming north on North East Street come out of a series of curves and may not see waiting cars in time, particularly in bad weather. Similarly, cars heading south on Henry Street have poor sight lines due to a curve and may also not be able to stop in time

The casual visitor to this area might not see or notice these problems, but those of us who **MUST** use these streets to go anywhere are all too familiar with their frequency and potential for serious harm even at current traffic levels.

Another concern with the proposed entrances/exits on Flat Hills Road and Henry Street is the difficulty fire engines will have using them. Both these entrance/exits are on narrow secondary streets. Henry Street poses particularly difficult problems as the railroad track runs parallel along a portion of it just before and at the proposed entrance/exit that leave little or no room for widening to handle the increased traffic flow. We can easily see an accident happening in that stretch of Henry Street as a large fire engine heads north to respond to a call while cars are coming south. **It is important to note that these streets are also popular with bicyclists, walkers and joggers.**

We would be remiss if we did not at least mention that all of the above problems would be made much worse by severe weather conditions. One need only remember the Halloween storm in 2011 where this area of Town lost power for a week; the roads were impassible; and many of us could not even get out of our driveways for a few days. Will Landmark be providing generators to power the complex in the event of such a storm? Even in lesser conditions, such as a rainstorm followed by below freezing temperatures when "Black Ice" conditions prevail, traveling these roads can be quite challenging. We have used studded snow tires on our cars for years after an early experience of not being able to get up our street. Will Landmark provide extra road treatment for Flat Hills Road and Henry Streets to handle the increased traffic? Or will the Town bear these costs or deal with these roads being frequently shut down from accidents? If such extra road treatment is required, what are the environment implications? And what about the request from Landmark to increase the grading on their internal roads beyond code (10% versus 8%) given that these conditions will also apply there? Imagine a 10% grade on the Henry Street exit with "Black Ice" conditions.

We could go on at length about other examples of problems that could be generated by an increased traffic flow to and from The Retreat such as the frequent fog and resulting low visibility on North East Street at night; the speeding/illegal passing on North East Street; and the similarly difficult conditions on Henry Street in the winter that make for dangerous driving. However, we think that these few examples and the resulting questions should be enough evidence that you should give what we say here serious consideration, and perhaps visit the locations mentioned to see for yourselves the traffic problems inherent in the proposed development. We would be happy to meet with you, take you on a tour or speak with you on the phone if you need additional information.

Sincerely,

Rene and Susan Theberge

From: Richard Sclove [mailto:richardsclove@gmail.com]
Sent: Friday, November 22, 2013 8:54 AM
To: Brestrup, Christine
Cc: Richard Sclove
Subject: Re: The proposed Retreat in N. Amherst

Dear Members of the Planning Board,

The Retreat proposed by Landmark Properties is a disastrously poor concept for any location in Amherst. UMass undergraduate students have repeatedly shown that when they gather in large numbers in a party atmosphere, noise, litter, disrespectful and even criminal behavior frequently rise to unacceptable and dangerous levels. Obviously this is not true of all students and not even of a majority. But when these large party gatherings occur, such unacceptable and dangerous behavior predictably emerges from an appreciable minority.

On this basis, Landmark Properties advertises its student Retreat Properties as having the demographic composition, design, layout and amenities guaranteed, in effect, to create exactly the student housing conditions that Amherst least needs.

The only real promised upside to the proposed Retreat involves the supposed economic benefits, and they are entirely speculative and indeed dubious. There is no guarantee that expensive student housing located far from the University will actually be full, meaning that revenue and tax projections based on near-full occupancy may well be wildly over-optimistic. At the same time, no effort whatsoever has been made to calculate the true off-setting economic costs to the town (e.g., in terms of increased traffic and traffic accidents, driving-under-the-influence traffic accidents, added police, fire protection and ambulance costs, added expansion and maintenance of town roads and sewer systems, etc.). Rather than irresponsibly wring our hands and say "we can't accurately estimate those off-setting costs, and so we'll assume that they are negligible," the Town must insist that the burden of proof rests squarely on Landmark Properties to demonstrate convincingly that the off-setting economic costs will be small or acceptable. If Landmark cannot do that through rigorous impartial analysis, that alone would be a sufficient reason to oppose the Retreat.

There is also a real, severe financial cost to adjacent and nearby property owners. For instance, I know of a house in downtown Amherst that recently became surrounded by UMass undergraduate renters. The value of that property swiftly declined by more than \$100,000 (more than 25%), as the owners learned for a fact and to their dismay when student behavior forced them to move and then they tried to sell the house.

The same phenomenon will happen to the many Amherst homeowners who live anywhere in the vicinity of a massive student housing complex like the Retreat, which is located in the heart of a village center and along multiple traffic arteries running from North Amherst and surrounding hill towns into Amherst Center.

The resulting increased traffic along those arteries will also encourage residents in northeast Amherst and surrounding hill towns (e.g., parts of Montague, Leverett, and Shutesbury) to bypass the center of Town, thus hurting the downtown businesses that we want to support.

While the Retreat is a disastrously poor concept for any location in Amherst, from a townwide perspective it is a particularly bad idea for its specific location in Cushman Village. The proposed Retreat lies close to major town recreational and natural amenities that serve the entire town, including Puffer's Pond, Atkins Reservoir, and extensive networks of marked and unmarked trails (including important portions of the Frost, M&M and Whitman trails). During the quarter-century in which my family and I lived in downtown Amherst, it was these exact outlying amenities that provided our principal outdoor enjoyment. Allowing these amenities to risk becoming overrun with boisterous, adult-unmonitored UMass students will cause the entire town to suffer from the impairment of these amenity values. That is a loss in quality of life for the town as a whole, and that loss will, in turn, translate into a loss in property values townwide (inasmuch as property values reflect, in part, proximity to wider amenity values).

I hope that the Planning Board and other pertinent Town committees, board and offices will do everything possible to block the Retreat as proposed by Landmark properties. I have no principled objection to the development of that land plot for other suitable purposes that are compatible with Town values, character and objectives. But the Retreat is absolutely antithetical to everything this Town treasures and aspires to become.

If UMass needs additional undergraduate housing then – given the University's demonstrated inability to date to satisfactorily manage the off-campus behavior of its student body – that housing should be built on campus rather than imposed as an intolerable burden on the Town and its residents. UMass can, anytime it wishes, take the lead in seeking policy changes that would facilitate this possibility.

Thank you very much.

Sincerely,
Richard Sclove
127 High Point Dr
Amherst

RichardSclove@gmail.com

Tel. 413-256-8727

To the Amherst Planning Board

Amherst, MA

Submitted via email to Christine Brestrup

brestrupc@amherstma.gov

Dear Planning Board:

I live at 86 Henry Street in Amherst, in the Cushman Village neighborhood. This makes me a direct abutter to the proposed student housing development by Georgia-based Landmark Properties Company. I am writing to comment on the initial plans that have been submitted to you for review.

Before I present my observations regarding this preliminary proposal, I would like to quote from Amherst's own zoning bylaw statement of purpose. Please take special note of the phrases I have put in bold:

"The purpose of all residential zones is to promote a suitable environment for residential life through the provision of recreational, religious and educational facilities as basic elements of a balanced neighborhood, to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area."

In the past, our town government created zoning bylaw 3.326. The reason our elected officials created this zoning bylaw was to protect residential outlying (R-O) neighborhoods from extreme concentrations of student populations.

Our Select Board has chosen to ignore the wisdom reflected in the zoning bylaw, and has wrongly considered the Landmark Properties

development in Cushman Village to be allowed “by right.” The Board should be required to revisit this decision in light of the clear wording and intent of our zoning bylaw.

Even if this oversight by the Select Board remains uncorrected, according to the basic zoning laws of Amherst, the stated character of R-O zoning is “a transition between lower density (farm and forest areas) and residential neighborhoods.”

In order to preserve this character of R-O districts, the zoning requires that an ordinary home lot size not be less than 30,000 sq. ft. A cluster housing lot size is limited to a 20,000 square foot minimum lot size—which is already 10,000 sq. ft. less than the minimum allowed for ordinary non-cluster homes in R-O districts.

And yet Landmark Properties is asking for a decrease in this minimum to 15,000 sq. ft. . This alteration would so grossly increase the density of student housing units that this zone would become not only more concentrated than even R-N districts—it would be just barely less dense than the highly concentrated R-G town center housing (12,000 sq. ft. min.).

In case it is not obvious, I want to point out to the Planning Department and Select Board that the requested increase in density goes against what R-O zoning is meant to provide for those citizens who have chosen to live and invest our lives here in this R-O zone of Cushman Village. Landmark Properties’ request for modification on lot size not only goes counter to the essential characteristics of Cushman Village, it destroys them.

Having attended planning board meetings and researched the department’s history of allowing modifications, I have noticed that in

the past the planning department has generally paid careful attention to each small request for modification, to make sure citizens are protected while considering the needs of developers. For the most part, developers asked for very few modifications, and the modifications were minor (such as adding 3 feet to the height of a building or allowing a cul-de-sac road to be slightly longer than normally allowed).

The number and nature of the modifications that are now being requested by Landmark Properties are unprecedented and extreme. Landmark Properties is asking for changes that create steep narrow roads, no room for bicycles, dense housing, long roads to cul-de-sacs, and small cul-de-sac diameters. For safety and character reasons, our zoning laws do not allow these modifications.

Finally, as a resident at 86 Henry Street, the proposed design concentrates the student population directly behind my home. All of the difficulties inherent in concentrated student housing areas would be magnified for those of us who would be forced to live shoulder to shoulder with this elevated concentration. The traffic sounds, pollution, party noise, light pollution, and other disturbances would be all the stronger for us. In addition the proposed area of intense concentration is directly on or above the salamander habitat Landmark has committed to protect. This proposal illuminates the hollow nature of this commitment.

Our zoning rules are there for a reason. They provide clear legal structures that were put in place to protect us from changes that demolish the safety and character of the neighborhoods we have chosen to live in. We depend on you, our officials, to make sure that these legal structures are utilized. I urge you to act on our zoning

law's mandate to "*stabilize and protect the essential characteristics of existing residential development*" and only allow growth in R-O zones that is "*compatible with the other natural and built characteristics of the area.*"

Thank you,

Sharon Weizenbaum

86 Henry Street

Amherst, MA 01002

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www.whitepinehealingarts.org

[Topics in Chinese Medicine Blog](#)

sweiz@rcn.com

November 22, 2013

Planing Board
c/o Christine Brestrup
Senior Planner
Department of Conservation and Development
Town Hall
4 Boltwood Avenue
Amherst, MA 01002

My wife and I are retired and live at 187 Henry Street, across from the proposed student housing project, The Retreat. We built our house in 1985 and have seen numerous changes occur in the Cushman Village neighborhood. Most of the changes have been good, the reopening of the Cushman Store, the repaving of Henry Street, improved bus service, and the expansion of the recreational area by Puffers Pond. We always believed the large tract of land owned by Cows would be developed in keeping with the Goals of our Town's Master Plan. A Plan that seeks to preserve and enhance the character of Amherst's community life of "promoting cohesive neighborhoods." It never crossed our minds that a large project designed specifically for students and their cars would be located here, so far from the University.

Instead of a compatible residential development of houses on the Cowl parcel, we now have proposed a 136 lot, student housing project including 768 parking spaces/cars and 641 bedrooms occupied by unrelated individuals with numerous requested subdivision zoning exceptions!

We are not land use planners and are relying on our town's professional staff to be sure the proposed plans correctly represent the facts and that our town's zoning laws are applied properly. We believe hard, thoughtful work went into our zoning laws and any exceptions granted to our laws for a proposed plan should be few and not widespread, changing the intent of our current zoning laws.

Why allow massive exceptions to technical minimum frontages, setbacks, and road design to allow a project to be designed to serve the need of students when the need is not compatible with the current Cushman Village neighborhoods?

The submitted site plans lack critical information to properly evaluate them, such as the location of units, other buildings, and wetlands.

Zoning laws provide for residential developments that are attractive and safe, for both residents and neighbors. Instead, the proposed layout includes the following:

- Steep(10%) and narrow roads for young drivers to use in winter time. Will these roads be built to Amherst standards if they ever have to be taken over by the town?
- Many lots that are long and narrow that serve no purpose except to meet technical zoning requirement

- Dangerous long cul de sacs(800') that put at risk both residents and public service employees in the time of emergencies
- Many close buildings(10 feet apart) that could endanger residents and property during weather or fire emergencies
- Dangerous front end in parking spaces along the major narrow roadways
- Parking for 768 spaces (5.6 cars per home); even a large family usually only has 3 cars
- An entrance with only a stop sign on a very busy thoroughfare, Henry Street, where cars and trucks are usually traveling at 40-45 mph, even though the speed limit is 35 mph.

Would a cluster development for families, couples or individuals be allowed to have all these exceptions to our Zoning laws? By allowing these numerous exceptions we are promoting development of housing units that encourage four bedrooms for unrelated individuals, resulting in crowded conditions and twice the road traffic.

Two clarifications that are needed. First, will the planned student housing project be a closed, gated, fenced community? This is completely out of character with the Cushman Village neighborhoods. How do residents use the open land deeded to the town and where do we park to use it? Second, will there be restrictions preventing the owner from selling off individual units now or at a later date? A property that is owned by one owner who has responsibility and control is completely different from a property that would have 136 owners or investors as owners. Landmark has sold individual units to individual investors on past projects.

We are not opposed to the development of this land as a residential subdivision or cluster development according to Amherst Zoning Bylaws. As quoted in our Zoning Bylaws, "the purpose of all residential zones is to ... stabilize and protect essential characteristics of existing residential development, and to foster development that is compatible with other natural and built characteristics of the area." Why should we as a town recommend and approve numerous exceptions to Zoning Laws in order to allow a property to be built that is not compatible with the existing neighborhoods?

We understand there will be further public input sought regarding conservation and traffic concerns. We hope Amherst will continue to be a "highly desirable community in which to live."

Ken and Bonnie Hargreaves

From: Lynne Baker [mailto:lrbaker@philos.umass.edu]
Sent: Saturday, November 23, 2013 4:14 PM
To: Brestrup, Christine
Cc: Tom Baker; tahoe20@gmail.com
Subject: The Retreat at Amherst

Christine Brestrup
Senior Amherst Planner

Dear Ms. Brestrup,

My husband and I are Amherst homeowners (137 Shutesbury Rd.), and are very concerned about the proposal to build a large cluster of facilities for housing students in Cushman, especially in low-density R-O zoning. The Preliminary Plan--Development Impact Statement is extremely vague and unofficial. For example, "the applicant will *attempt* to provide a pedestrian connection to the Robert Frost Trail," There has been no determination of wet lands, and thus no exact number of lots even to be requested. There will be recreational facilities for residents and guests, but at this time there's no hint of what they might be. Depth of the water table is yet to be determined. In fact, there is hardly anything definite in the Preliminary Plan.

My main worries right now are infrastructure and supervision of tenants.

I. Infrastructure:

A. Water and sewage:

(1) In light of the very loose terms of occupancy that allow friends to stay over indefinitely, there are likely to be many more inhabitants than whatever official number is settled on. If so, there will be extra strain on the town water supply and sewage system that Landmark is not making provision for.

B. Access:

2) In light of the narrow, winding roads that provide access to the site--roads with no space for widening, or for sidewalks, or for bike paths--there is no room for the additional vehicles that hundreds of students would have.

3) Encouraging bicycles will add to the already-significant danger of accident and death.

II. Supervision of tenants:

(As you know, a major problem in the town of Amherst is the mayhem caused by students running wild. Exporting a large number of students to Cushman will not solve the problem of mayhem; if anything, it will encourage license.)

4) Will Landmark pay for the extra ambulance service in Cushman that's sure to be needed? Is Landmark expecting Amherst property-owners, who already pay very high real estate taxes, to pay for additional town police protection? Will Landmark provide security?

5) There are to be Rules to control noise; what are they? who will enforce them?

I would appreciate your passing on my comments on to the Planning Board.

Sincerely,
Lynne Baker

From: Lynne Baker [mailto:lr baker@philos.umass.edu]
Sent: Wednesday, November 27, 2013 9:38 AM
To: Brestrup, Christine
Subject: The Retreat, again

Dear Ms. Brestrup,

Earlier I sent a message for Planning Board expressing some concerns about the proposed new facilities for students in Cushman. I am writing again, because another matter just sticks in my craw about the Preliminary Plan Development Impact Statement: the disingenuous use of the word 'family' to describe the rental units. (1) Look at the floor plans. The lay-outs are floor plans for college suites, not for families. Oakview has more bathrooms than beds. I know of no family of any kind who lives in such arrangements. (2) I understand that you plan to rent out your space by the bed; to my knowledge, family rentals are never rent-a-bed.

At first, this may seem like a merely semantic matter, but I suspect that it is symbolic of the slippery way that Landmark operates. If this project is approved, it will constitute an agreement of trust between the town of Amherst and Landmark. From what I have seen so far, I do not believe that such trust is warranted.

I appreciate your sending my last email to the Planning Board, and I ask you to send this one too.

Sincerely,

Lynne Baker
137 Shutesbury Road
Amherst, MA 01002

To: Amherst Planning Board

From: Eva Lohrer, 492 Flat Hills Rd., Amherst

Regarding: Preliminary Proposal from the The Retreat of Amherst

Date: November 23, 2013

I am writing to express my opposition to the proposal by Landmark Properties for the Retreat at Amherst, to develop 146 acres in North Amherst.

It is unclear whether this project adheres to the letter of the zoning law which specifically prohibits "Fraternity or sorority building, social dormitory or similar use related to Amherst College, Hampshire College or the University of Massachusetts" but it is perfectly clear that it does not meet the intention of the zoning bylaw as outlined in the explanatory text of section 3.326 which is to locate large concentrations of students in "areas close to heavily traveled streets, areas close to business, commercial, and educational districts, areas already developed for multi-family use". This proposal meets none of these guidelines and for this reason it should be rejected.

One of the benefits of a cluster subdivision as outlined in section 4.313 of the zoning bylaw is supposed to be "compatibility with the character of the surrounding residential areas"; however The Retreat is incompatible with the rural nature of the Cushman area of Amherst. A key attribute of the "character" of a neighborhood is its density which is why the zoning bylaws provide specific density specifications for different zoning districts. The purpose of the R-O district (which contains all but 8 lots of the proposed subdivision) "is to provide for lower density residential areas", however the modifications proposed by Landmark for frontages and setbacks will make the development more dense than those allowed for a cluster subdivision in either of the more densely zoned R-N or R-VC districts. Similarly, the proposal for numerous three story duplexes in a neighborhood which currently has none is equally out of character with the surrounding neighborhood.

The recommendation for private roads and the request for modification of the road grades represent a significant public safety hazard as it will combine inexperienced drivers, steep, narrow roads, New England winters and alcohol. Even with current traffic it is not unusual to see abandoned cars on Market and Flat Hills Rd in inclement weather. Within the development, private roads will prevent the enforcement of open container laws, speed limits and will very likely compromise public transportation. Allowing such a large residential development, located on hilly terrain, to be outside the purview of basic traffic safety standards may be financially expedient, but it is irresponsible.

A cluster development already reduces lot sizes, frontage and set-backs both for the economic benefit of the developer and to preserve open space. But it also must be acknowledged that a cluster development creates winners and losers among the abutters and in fairness to those abutters the planning board should be cautious about intensifying the impact by the approval of modifications. The northwest side of the property is set aside as open space because it is wet and steep. These are good

reasons to keep the space open but they are not good reasons to more intensively develop the remaining portion of the property.

This proposal is unique in many ways; it is the first large scale student housing complex to be located in an R-O district; it is the largest residential development in many years and perhaps the largest cluster development in Amherst's history. Many precedents will be set by the decisions the planning board makes and the surrounding community will be impacted for generations to come. Regardless of how the project is labeled it is reasonable to expect that it will be occupied almost exclusively by students and for this reason the planning board would be remiss if it did not take into consideration, even at this preliminary stage, the many well documented and serious problems that residents and abutters of student houses complexes have experienced, including riots, fires, frequent need for emergency responders, alcohol abuse, crowd control and crime. I urge the planning board to insist that any development proposal be designed in such a way that these issues are profoundly mitigated.

Ira S. ADDES
192 SHUTESBURY ROAD
AMHERST, MA 01002
isaddes@comcast.net
413-253-9832

To the Amherst Planning Board
Submitted via E-mail to Christine Brestrup

My name is Ira Addes. I live at 192 Shutesbury Road, in Amherst, near but not immediately abutting the propose Retreat. Though I am expressing my own views, most are shared by the more than 200 families immediately effected in the Cushman Village, Flat Hills Road, Pine Street, Mill River, Strong Street, Northeast Street, Henry Street and Leverett border areas as well as by over 700 people who have become familiar with the issues involved and signed our petition for a town wide solution to Amherst's housing needs.

I oppose the development of the Retreat, an off campus, high density, student housing project, **masquerading** as a cluster development for families. As current Amherst zoning bylaws, as well as the histories and narratives of record associated with them, do no permit such a development in R-O Zoning, I would respectfully request that you reject these plans out right, and ask the developer to resubmit a cluster plan that is designed for and meets the diverse housing needs of the larger community. I believe that you would be on good legal footing and acting without prejudice, to do so.

Should you decide to interpret the towns bylaws, which limit the placement of sororities, fraternities, dormitories and similar use structures to R-F zones differently, I would ask you to hold the developer to the letter of the law; **to grant him no waivers and to cede him nothing in the review process that is predominantly geared to minimizing his costs or maximizing his profits.** It behooves the developer to prove to the planning board that the reasons for any waivers sought far outweigh the safety and design limit rationals contained in the cluster division bylaws. These limits were included in the bylaws after, careful deliberation and for good reasons, and to circumvent them without a compelling, transparent rational, is to inflict a serious blow to neighborhoods, the community and town wide zoning.

Ira S. ADDES
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This project, **upon careful scrutiny**, has **no long term redeeming value** to the University, its students, the Cushman community or the larger interests of the town. It is a short term exploitative action, benefitting the seller and developer alone.

1. It destroys one of the six areas designated by the towns long-term planning commission as a parcel to be targeted for conservation/recreation.
2. A project of such size and scope here will clearly change **adversely and forever, in multiple ways, the quality of life in Cushman village and its surrounding neighborhoods; another outcome clearly flagged and deemed undesirable by the same long term planning commission.** Previously completed Landmark projects are in large towns or cities, not in a small, rural town like Amherst.
3. This project will have no functionally useful effect upon the primary housing problem that is facing the Town of Amherst; **the need to help the University of Massachusetts, find a way to house more of its students on its own campus or in areas adjacent to the University that are zoned for such projects.**
4. Finally, published statements from the business community establishment that growth, as symbolized by the Retreat, is good must be taken with a hefty dose of skepticism. **These statements are both ideological and self serving. No one has shown me or, as far as I know, this board, any reliable data, on paper, to back up the assertion that this project will replenish the coffers of Amherst's depleted treasury.** On the contrary there are multiple examples throughout the towns previous histories of development, to suggest that this project will, **more than likely, drain more than the share it contributes to town services to support additional fire, police, traffic and public works costs.**

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5. And as property values in the Cushman area decline, a decrease in local town revenues **will result in a higher tax rate across the entire town.**

Other towns, (Tuscaloosa, Alabama, and Blacksburg, Virginia), that have concerns for the quality of life in their community, have supported their own long term planning goals by saying no to projects like the Retreat. I hope that the members of this board after carefully reading the documentation supplied, and **listening, with an open mind, to the larger communities comments**, will have the fortitude and wisdom to join their ranks.

Respectfully,

Ira S Addes

From: Ira S.Addes [mailto:isaddes@comcast.net]
Sent: Monday, November 25, 2013 10:11 PM
To: Brestrup, Christine
Cc: Town Manager's Office
Subject: Retreat

I believe that it is important for the planning department and the planning board to be aware of the content of the following articles.

1.

St. Mary's College of Maryland joins troubling U.S. trend: Too many empty freshman seats

By Nick Anderson

A growing number of colleges nationwide are scrambling to fill classes, a trend analysts say is driven by a decline in the number of students graduating from high school and widespread concern among families about the price of higher education.

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2.Limits on big student housing projects urged.

<http://www.tuscaloosaneews.com/apps/pbcs.dll/article?P=1&TC=PG&AID=2013131119681>

3. Retreat defeated

<http://www.wsls.com/story/23962158/blacksburg-town-council-votes-against-the-retreat-project>

4. Tuscaloosa Taskforce

In the first meeting since its new members were inaugurated Monday morning, the Tuscaloosa City Council voted unanimously Monday night to adopt all of the preliminary recommendations of Mayor Walt Maddox's Student Rental Housing Task Force, including a clause that will stop the planning or development of new [student housing] apartment mega-complexes throughout the city."

http://blog.al.com/tuscaloosa/2013/11/tuscaloosa_city_council_accept.html

5. Retreat at Eugene

Landmark is changing their plans for Eugene Retreat. Originally they planned to build cottages like the ones proposed for Cushman. Then they changed their proposal to 30- to 40-foot

apartment buildings because they were more financially viable. [from other articles]. Now Landmark seems to have changed their plans again. We'll see what they propose next.

<http://www.registerguard.com/rg/news/local/30662246-75/hearing-landmark-complex-project-development.html.csp>

6. Evictions

Park residents face eviction and uncertainty Jack Central
Tempers flared and tears fell as a representative from **Landmark Properties** of Athens, Ga. informed residents of the company's plans to build a student-housing ...

7. Marketing to students, not families.

<http://www.udreview.com/mosaic/the-retreat-housing-to-offer-luxury-amenities-on-south-main-street-1.3070093#.UmgdVxAiBco>

8. Remote areas.

Landmark first to have "store" [vending machine] in student housing development:

From article:

He [Shop24 guy] said one attractive thing about The Retreat was how remote it is.

"They have a high population, a strong summer population and it's a very remote area," Santoro said. "There are not convenience stores within a good seven- to 10-minute drive, and there were not convenience stores on the way to campus. That's one way we evaluate locations. Cars can create competition, but in this particular case there really weren't any options."

<http://www.tuscaloosaneews.com/article/20130720/NEWS/130719686/1007/news?Title=PC-based-store-coming-this-fall>

Ira S. Addes

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Ira Bryck
255 Strong Street
Amherst, MA 01002
ira@irabryck.com
413-545-4545

November 20, 2013

To the Amherst Planning Board
Amherst, MA
Submitted via email to Christine Brestrup
brestrupc@amherstma.gov

Dear Members of the Amherst Planning Board, and Town Planning Department,

Now that you are at the stage of considering the preliminary plan submitted for the Retreat brand student development in the R-O zone of Cushman forest, I implore you to be strict in your responsibilities in "promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, and encouraging the most appropriate use of land throughout Amherst." That quote, as you must know, is the description of the purpose of the town's zoning bylaws.

The Landmark company, from Georgia, is hoping that the Amherst Planning Board will allow several dimensional modifications, so they can build the largest subdivision Amherst has seen since Amherst Woods. The reductions to lot sizes, frontages, and setbacks, and increases of road lengths ending in cul de sacs, provide for much higher density housing than clustering was intended to permit. This increase is needed so they can squeeze in housing for almost 700 students and over 700 cars in a forest strewn with wetlands, streams and rivers, unbuildable contours and bedrock, not to mention abutted by salamanders, fragile roads and a National Historic District.

As the Planning Board, I realize you have certain rights and authority, but not others. You cannot reject this project as inconsistent with the town's desires, as was recently done in Tuscaloosa, Alabama (named Most Liveable City in America by the US Conference of Mayors) and Blacksburg, Virginia (named by BusinessWeek as Best Place in the U.S. to Raise Kids, and by Southern Living magazine as Best College Town in the South). You cannot deny this project outright, even though in the last round of hearings your conclusive comments were that this is a bad project in a bad location.

But you do have the right to hold your ground, and be a board that is proactive in its thought and action. You do have the right to not give more than the law prescribes. You do have the right to hold them to the subdivision regulations, also emphasized by the Master Plan, that the development maintains the character of the neighborhood. You do have the right to insist that this be an "honest" project, by ensuring that Landmark needs to work within limits that the Planning Board thinks are wise, NOT by surrendering to Landmark the modifications that makes their sub-par plan suddenly viable. For the Planning Board to yield on these modifications is to allow the project to be built at the expense of Amherst's residents, reputation, and future.

I respect the complexity of what you must decide, in reaching the decisions that are fair to all concerned. You must be concerned with the rights of property owners and private business; and the intricate matter of supply and demand of affordable housing and student housing. I wish you insight and strength in applying your authority to protect real property values of your neighbors in Cushman, but also town-wide. This is not a NIMBY issue, unless you consider that our burgeoning small town is one big back yard, both yours and mine.

Sincerely

Ira Bryck

From: Janet Slocum [mailto:jslobvan@hotmail.com]
Sent: Saturday, November 23, 2013 9:43 PM
To: Brestrup, Christine
Subject: Comments on Proposed Landmark subdivision

Dear Planning Board,

I am an abutter to the proposed Landmark Property subdivision. I oppose this plan. I am very concerned about the proposed subdivision's safety and conformity to the character of my neighborhood. Cushman Village is a National Historic District. It is an area which has been substantially unchanged since its mid-19th century glory days. The roads along the perimeter of this proposed subdivision Henry St, Market Hill Rd, Flat Hills Rd and Shutesbury Rd, have all been designated as scenic roads. One needs only to glance at the pictures in the recently published history of North Amherst to see its unchanged character. This is the character that the proposed subdivision needs to blend into. Modifications to the zoning regulations do not.

The Town of Amherst has approved a little more than 30 single family home subdivisions between 1985 and 2007. The largest of these had 77 units of housing with a median size of 13 units. The Landmark proposal has 175 units of housing and dwarfs all previous single housing subdivisions. We must proceed slowly with this proposal and carefully consider all aspects of the subdivision so that it will benefit the town for generations.

Landmark has requested many modifications to the zoning regulations. So many modifications in fact, that it seems like they are not adhering to the zoning at all. In the past 30 years very few modifications have been given to roads, lot frontage, setbacks, or lot sizes in the single family subdivisions. I would like to see this trend continue. It is the only way a development can fit in with its similarly zoned neighbors.

Non-cluster subdivision

My first concern is with the number of lots on the non-clustered layout. Many lots in the northeast section seem to be laid out in wetlands -- specifically lots 11-13, 93 and 94. Has the Conservation Commission delineated the wetlands on the property yet? If not, how can we decide how many units are feasible for this property? Lots 1 and 2 have the building circle inside the power line easements. I don't believe that easement is buildable. The number of valid lots needs to be independently verified before any approval can be made to the cluster subdivision.

Roads

The roads in the proposed subdivision should be made to conform to all the standards of public roads in Amherst. The roads on Landmark's proposal are 24 ft in width while all the roads in other new subdivisions (public or private) have a 50-60 ft road right of way. The existing neighborhood roads at 50 ft in width seem narrow with the current traffic. Smaller roads inside the development will be used by a denser population. Traffic will surely snarl in the morning and evenings. In an emergency, the evacuation of more than 600 hundred people on narrow roads will be untimely. The narrow roads will be a danger to bike traffic and difficult for public or private busses. Narrow roads make plowing more difficult. Are the proposed roads sufficient for large fire trucks, delivery trucks and moving vans which will appear in droves every September and May?

Many of the proposed roads have a larger grade than allowed which will be difficult to traverse in the winter especially for inexperienced drivers. Surely an 8% grade was chosen for safety and there is really no reason to change it. The cul-de-sacs are longer than allowed which will again pose a safety issue in case of evacuation as well as situations such as the October storm when downed trees block roads for days. Residents on the cul-de-sac would be stranded without power and no way to get out for heat and food.

Many of the roads seem very close to existing homes. It seems likely that the headlights from 600 cars coming and going daily will be shining right into the 2nd floor bedrooms of the houses on Henry St and Flat Hills Rd. The street lights will likely shine into our backyards as well. Can the roads be moved inward in the property to avoid this situation?

Parking

Every housing unit should have off street parking on its lot for its residents. All single family houses built in the last 50 years have off street parking for vehicles, most have garages or carports. The proposed plan does not. This is not in keeping with the spirit of a single family house or the character of the neighborhood. The proposed parking arrangement is typical of an apartment complex which is not allowed in this zoning. In addition, some of the parking lots are on housing lots which cannot be counted in that unit's frontage or square footage.

Amherst does not allow on-street parking at night in the winter. The streets in this subdivision should conform to all public road regulations. This subdivision should be built as if families were going to live in the single family houses. Off-street parking with each lot providing parking for its residents should be required. It would nearly impossible to change this in the future if it is not planned for now. On-street parking will be difficult to plow in the winter. Perpendicular on street parking requires backing out into traffic which will be difficult for inexperienced drivers. The proposed parking arrangement and road width is more like a mall parking lot than a single family housing development. Parking should be similar to those in the approved subdivisions of Amherst Woods, Snell St, South Middle St, Palley Village Place and the other single family subdivisions.

Lots

The plans submitted by Landmark properties call for extremely small lots with reduced frontage and reduced setbacks, not by a few feet here and there but more than a 50% reduction. This is simply out of character with our historic neighborhood and with single family houses in general. Never has Amherst built a single family housing subdivision that even remotely looked like this. Should UMass build its own dorms, reduce the number of accepted students or the students simply choose not to live here, who would want to live on those lots? Developments of this size have a responsibility to the not just fix some immediate problem but to be of value to the town well into the future. Cottage after cottage on lots so small and narrow that no family would want them makes no sense. Reduction of the zoning regulations to this extent is unprecedented in Amherst. Please keep it that way.

Sincerely,
Janet Slocum

To the Amherst Planning Board
Amherst, MA
c/o Christine Brestrup
brestrupe@amherstma.gov

Dear Members of the Amherst Planning Board,

We appreciate this opportunity to comment on the preliminary plans for the luxury student housing development known as "The Retreat," proposed for the Cushman forest by Landmark Properties and their associates. Our property abuts the 147.6 acre parcel (6A-91) that constitutes the majority of the area proposed for The Retreat, and we strongly oppose the development of that property as detailed in the preliminary subdivision plan currently before the Planning Board.

While we have many reasons for opposing the incongruous and ill conceived plan for the large, high-density student housing in Cushman village that is The Retreat, we understand that the issues before the board for the hearing on December 4th relate to specific technical elements of the preliminary subdivision plan and not to the numerous details or impacts of the proposed project as a whole. Therefore, we respectfully submit my comments about the proposed roadways and building lots detailed in the preliminary plans, and will hold our additional criticisms for a future opportunity.

Of paramount concern must be the safety of town residents and their visitors. The developers are requesting a considerable number of design exceptions relating to road construction and lot dimensions that would compromise the safety of drivers, pedestrians, and first responders, ultimately subjecting town residents and responders to risk of injury and property damage. We request that the Planning Board not grant the developers the right to exceed road slopes or cul-de-sac road length at The Retreat, and that standard road widths, curvatures, and vehicle parking provisions be required. Compromising on these design standards would be a mistake, especially considering that the vast majority of drivers on these roads are anticipated to be of college-age, and therefore statistically demonstrated to be at higher risk for accidents. There is also no reason to assume that the frequency of visitation of first responders to The Retreat would be any less than at any other student housing development in town (and we assert that the opposite may be true). Therefore, it is critical to make sure that all roads be easily accessed and passable for multiple large vehicles, such as ambulances, fire trucks, and police trucks. It is also important that the roads not be designed to allow large areas and numbers of residents to become trapped should a road become blocked. Lastly, it does not appear that the developers intend to include bicycle lanes in the roads of The Retreat, which we find to be counter to their proclaimed goal of "encouraging the use of bicycles" at the site for "decreasing traffic impact and negative environmental effects." Students will ride bicycles, and their use should be encouraged for the reasons that Landmark Properties suggests. Not providing roads that are wide enough to adequately accommodate bicycle traffic is shortsighted and unsafe.

Some have suggested that the many design exceptions could be justified by the fact that the roads would be maintained as private and not town roads. While we understand the immediate benefits to the town for such an arrangement, this is a faulty and shortsighted argument. The Retreat, as currently designed, is of considerable size and is anticipated to double the traffic and population in the village. Landmark Properties has also set the precedent at several of their other

developments of selling their properties within a few years of completion, which would leave the Town of Amherst to rely on an unknown entity to maintain the roads and manage the vast property. The long-term viability of a luxury student housing development that is far removed from any college campus is also a legitimate concern given reports of declining college enrollment nationwide and the potential for future, more affordable housing opportunities in more desirable locations to out compete The Retreat. The town must be prepared for the real possibility of the roads of The Retreat being made public in the future, and because the proposed roads do not meet town standards they are unacceptable.

Our last comment on the roads detailed in the preliminary plan relate to the locations of the entry points identified for the property, specifically the two southernmost entries at Henry St. and Flat Hills Rd. We anticipate that these access points will result in a high volume of vehicle traffic on those two roads, and we have grave concerns about the resulting negative impact on the intersection of Shutesbury Rd., Flat Hills Rd., Henry St., and North East St, south of the property. At current levels of traffic, this intersection (or intersections) appears to be safe and manageable. However, there are some steep and winding sections of roadway on the approaches to this intersection that can make it tricky under adverse weather conditions. There are also many local residents who walk and bike on Flat Hills Rd. and Shutesbury Rd., several of whom are elderly, and there are no sidewalks or bicycle lanes. Adding a high volume of young drivers to these rural roads, specifically the south end of Flat Hills Rd., is not advisable given the current road design and use.

Regarding building lots, we are concerned first that the estimate of 123 buildable lots is unrealistically high based on the natural constraints that exist on the property, and have additional concerns that relate to the subdivision plan. The wetlands have not yet been officially delineated, and there is a considerable amount of land with greater than 25% grade that will be incredibly challenging to develop and manage. The exceptions the developer is seeking for the cluster subdivision will create high density housing that will be in stark contrast to the surrounding neighborhoods, and incompatible with the village as a whole. Many of the lots appear to include a considerable amount of wetland or steeply sloped area, putting the mini-dormitory residences and their residents in close proximity to protected and wooded areas.

Historical forest management practices on the property, as with much of New England, have allowed for the accumulation of a significant amount of fuel in the Cushman forest, mainly in the form of downed trees, tree limbs, and undergrowth, with obvious implications for forest fire.

Additionally, the side setback exceptions and the compressed lot dimensions could result in long series of wooden buildings as close as 10 ft. apart from each other. These conditions, when considered in total, raise significant concerns for safety in the proposed development and the existing neighborhoods adjacent to The Retreat.

Building on these specific concerns about the design exceptions sought, and considering the risks about the long-term viability of student housing at the proposed location, we assert that the proposed development should not be allowed. Despite the more recent claims from Landmark Properties, The Retreat is a collection of miniature dormitories, rented by the bedroom and designed strictly for student use. Such residences are not houses or homes in the traditional sense, and would not be suitable for repurposing to any other function. What would be the ramifications of having Landmark Properties pull out of this massive development before

completion, or of future management companies allowing over 100 buildings and associated private roadways fall into disrepair? The cost to the town would be enormous, and the irreversible effects on Cushman village would be devastating.

Again, we appreciate the opportunity to comment on the proposed plans, and hope that the Planning Board will recognize the many deficiencies they contain. Given the scope of the hearing on December 4th, we have focused our attentions solely on roads and building lots, however, we have considerable concerns over the other elements of the development that the developers have deferred to the definitive planning stage.

Respectfully,
Jeremy and Emily Coleman
432 Flat Hills Rd.
Amherst

November 24, 2013

To the Planning Board:

On December 4, you'll be holding a hearing to receive public comments about the preliminary plan submitted by Landmark Properties to build "The Retreat" in Cushman Village, designated a National Historic District in 1992. Since Landmark first notified the abutters of their intention to buy the Cows land, I – like so many of my neighbors and other Amherst residents – have been deeply concerned about this project, for reasons no doubt familiar to you by this point.

Now that Landmark has initiated the permit process, and has made more clearly known their intentions and modes of operation for building on this property, my concerns have deepened considerably. I write, therefore, to ask you to deny their request for modifications to the standards set for a cluster subdivision in R-O zoning. My reasons are both philosophical and pragmatic.

The modifications that Landmark is requesting are far from minor: they are substantial departures from the standards for a cluster subdivision in R-O zoning, creating significantly dense conglomerations of 4-bedroom houses and multi-storied duplexes in what is meant to be a relatively low-density housing district (in between R-N and R-LD). Taken individually and together, if granted, these modifications fly in the face of the purpose of the standards established for R-O zoning.

Moreover, to grant Landmark such substantial modifications raises serious questions about the integrity of Amherst's zoning by-law. If Landmark not only can make the case that a gated student housing development, with 640 students, belongs in a cluster subdivision in an R-O zoning district (a contestable claim, as many of us see it in the neighborhood); *and* also can be allowed to so stretch the standards used in R-O zoning that the standards seem meaningless, then zoning as an exercise of town governance is, quite frankly, an exercise in farce. Or, it would be farcical, if the consequences weren't so potentially devastating.

Beyond my philosophical objections to the request, I have very pragmatic objections that arise both out of my concerns as a resident and out of my experiences as a former dean of students, working closely with a college-aged population. I know that my neighbors have pointed out many of the problems involved with the cul-de-sacs, the lack of bike lanes, the potential access problems for emergency response vehicles, and the like. I would like to point out one more set of problems. As a resident of Market Hill Road, I do not see any indication from the preliminary plan how the traffic problems at the main entrance/egress of The Retreat, will be addressed.

I understand that this is just the preliminary plan, but the map dramatically oversimplifies what will be an extraordinarily complex intersection where the primary access road to the Retreat hits Market Hill Road as it bends; Market Hill then intersects with Henry Street approximately 320 feet away; and approximately 110 feet farther, Market Hill intersects at a "T" with Bridge Street, which is busy with morning and late afternoon traffic as people make their way to and from Leverett and Shutesbury.

Landmark's traffic engineers will certainly assure the town that any pressure points can be "mitigated." But residents will no doubt find the increased traffic around this complicated intersection burdensome, and with many still young drivers entering and exiting The Retreat, often in a hurry and distracted, this complex intersection will prove unsafe to students and residents alike.

Landmark notes it hopes that the impact of student's automobile use can be alleviated through PVRTA's expanding its #32 bus route, which runs through the heart of Cushman Village. This option is also highly problematic, as it is hard to imagine how the Village will absorb increased bus traffic on its very narrow streets. Even if PVRTA redirects the #32 route away from Henry Street and the east end of Pine Street, the narrowest of the streets in Cushman, and even if The Retreat includes a bus circle that gets added to the #32 route, currently, Landmark has not designed their roadways to be accessible to buses.

Lastly, I realize this might seem to be beyond the purview of the discussion of the preliminary plan, but it's important to remember that The Retreat will be funneling students and their cars onto roadways with railroad crossings: indeed, we have two of them in Cushman Village, very close to The Retreat. Students leaving the primary access from Market Hill, for instance, cannot get to UMass without going over the railroad crossing on Bridge Street. These railroad crossings will simply create some traffic delays on many days, of course, when trains are coming through. Much more troubling is that the railroad crossings, which present public safety problems under even good conditions, are downright public safety *hazards* when you have hundreds of students in cars, or even worse, hundreds of inebriated students on weekend nights.

I hope that the Planning Board will keep our university's students' safety in mind as they think through all the ramifications of this preliminary plan. As a resident of the Town of Amherst and of Market Hill Road, I ask that you deny all the modifications that Landmark has requested and protect the integrity of our current R-O zoning standards.

Thank you very much for your time and for your service to the town.

Yours sincerely,

Karen Merrill

150 Market Hill Rd.

11/24/2013

To: The Town of Amherst Planning Board

From: R. Keith McCormick
492 Flat Hills Road
Amherst, MA 01002

RE: Preliminary Proposal from Landmark Properties for The Retreat of Amherst

I have lived on Flat Hills Road in Amherst for over 25 years and would like to state my opposition to the Landmark proposal to build The Retreat in North Amherst.

Although I have many objections to this project including the legality of building a student-related subdivision on RO zoned land and the granting of extensive building modifications (which will impact negatively on public safety, the environment, and the character of our community as a whole), I am also concerned that the one possible redeeming feature of this project—that it will provide a financial windfall to the town of Amherst—may be wishful thinking.

During a Town Meeting earlier this year, the finance committee estimated \$400,000 additional tax revenue from the Retreat annually. On a per-unit-basis, this calculates to less than \$2,100/year per cottage. (This was with the 191-unit proposal.) In my opinion, this is a shockingly low number. Per Nick Grabbe's November 14, 2012 Gazette article, the average residential tax bill in Amherst was \$6,504 in 2012 (and I would estimate higher for new construction). My question is why will the Retreat pay less than a third of what the average Amherst homeowner pays; and why does the town think this is such a windfall?

I urge the planning board to gain a thorough understanding of how the real estate tax assessment will be calculated and why it is so low. Does it depend upon profitability? Does it depend upon full occupancy? (Both of these can change dramatically in a few short years.) Are taxes assessed on the operations of the Retreat at Amherst or Landmark as a whole? (Landmark is a national corporation with tax experts whose goal is to minimize profits in high tax states and towns epitomized by Amherst, MA.) The Preliminary Plan itself provides no estimates at all about tax revenues—stating only “a positive financial impact is expected resulting from the revenue to the Town through increased real estate taxes.” The proposal makes no mention of additional (often hidden) costs that should also be anticipated. When questioned by Town Meeting members last May, the Finance Committee could provide no information at all about anticipated additional costs.

Retreats in other locations are not necessarily reaping the economic benefits they expected. Please see the link (<http://www.myfoxal.com/story/22857056/josh-gauntt>) to an article by Joshua Gauntt, a Fox6 News reporter in Tuscaloosa, Alabama, who writes about the realities of big-time student housing on a community (versus the “assumed” benefits). Tuscaloosa is home to one of Landmark’s other student housing projects. Mr. Gauntt writes that it may be necessary to charge “impact fees” to offset the unexpected costs of having these student mega complexes in their town.

There has been a tremendous focus on the financial benefits of this project—I think in part because it is so obviously lacking in other redeeming features—but much more homework needs to be done to determine the actual financial impact of this development on our town. I urge the Planning Board not to settle for vague financial promises at the hands of big business. After all, they may well not be around long enough to pay the impact fees.

Planning Board
c/o Christine Brestrup, Senior Planner
Department of Conservation and Development
Town Hall, 4 Boltwood Avenue, Amherst, MA 01002
Email: brestrupc@amherstma.gov

November 22, 2013

To the Planning Board, c/o Christine Brestrup:

I have been collecting information about Landmark Properties since they notified us in late February that they planned to build student housing under the "Retreat brand" across the street from our house. (See facts about Landmark in attached letter to the editor.) Landmark has built 14 "Retreats" in the United States, with two more under construction and four, including Amherst, in the planning stage. I hope that we can be smart enough to learn from another municipality's experience with large student housing developments, and try to interpret this experience in the context of Amherst's own Master Plan. My experience reading about Landmark has made me concerned about many issues, including public safety, should Landmark build here.

The Retreat at Lake Tamaha, which opened in 2009/2010 in Tuscaloosa, Alabama, was one of the first Retreat brand developments that Landmark built outside of Athens, Georgia. However, on June 26, 2013, Mayor Walt Maddox of Tuscaloosa, Alabama created the Student Rental Housing Task Force, because the public was becoming increasingly concerned about the softening of the student housing real estate market due to "mega-complexes" (200+) in the city. Residents, too, had complained that the character of Tuscaloosa was disappearing. The task force heard from real estate professionals and housing development managers. They also compiled, from Tuscaloosa's police chief Steve Anderson, a study of crime in the student housing developments during 2012. Landmark's 1306-bed Retreat at Lake Tamaha had the 3rd highest per resident crime rate of the 9 complexes studied: 464 incidents (36%), including 64 "serious" incidents (5%).

- Task Force: The task force concluded that larger student complexes and developments in isolated areas tend to invite more crime. (Morton, 9/19/13)
- Amherst: Our emergency services are already overused, primarily by students housed in large numbers. We should not put an additional strain on them by building our own "mega-complex" in an isolated area.

The final recommendations of the task force were presented to and unanimously approved by the Planning and Zoning Commission on November 18, 2013. The City Council has considered some of the items already and will consider the other recommendations next week. While Amherst doesn't have a student housing task force, we do have a Master Plan and zoning bylaws. See below.

- Task Force: Do not allow rezoning to permit the development of student housing developments of 200+ bedrooms beyond the area around the University (called "the box") until the city updates its Comprehensive Plan.

The City Council has already modified this moratorium to apply citywide. (Morton, 11/18/13)

Simply, Tuscaloosa does not want to allow any modifications to their zoning to build student housing developments of 200+ beds.
- Amherst: Our Master Plan (Objective H.7, p. 4.12) calls for "well located private student housing" that will "lessen the pressures on residential neighborhoods." Strategy H.7.A. states that appropriate districts would be designed to "incorporate shops, services, and transportation infrastructure to meet the student population's needs." Cushman Village is an isolated area, with only one business (Café), grandfathered in. The Retreat at Cushman would be "private," but not "well located." The development size itself, not to mention the modifications sought by Landmark, are essentially efforts to "rezone" the area in which they plan to build.

- Task force: "Deny any rezoning request to allow multifamily or attached housing in any historic district or historic district buffer in areas where these types of housing are not currently allowed."
- Amherst: Landmark states that The Retreat will not be in the Cushman Village National Historic District. True, technically. On the other hand, the traffic will flow into the historical district. Strategy H.7.B. of our Master Plan says that a student development should be "aligned with existing community character." The Retreat is certainly not aligned with the character of the Cushman community.
- Task force: After recommending returning to the maximum number of 3 unrelated persons living together, they state that if future demands require housing for 4-5 unrelated people, this housing should be within "the box," i.e., close to the university.
- Amherst: Landmark's plans call for duplexes and triplexes. We should be cautious to make sure this doesn't mean that 8 or 12 people are living together, as opposed to 4.
- Task force: Calls for eliminating their R-4S zoning district, whose "sole purpose" is to "allow the construction of large-scale student housing complexes outside of 'the box'," i.e., close to the university.
- Amherst: We should restrict our construction of large-scale student housing complexes to districts explicitly created for such housing, the R-F districts.

So you can see the problems that exist in communities where The Retreat and other large student housing complexes (which Amherst already, essentially has) exist. I understand that the decisions you can make are restricted, but I implore you to avoid unnecessary mistakes by exercising the power you **do** have by **not granting any modifications** to this development that will alter forever the character of our neighborhood and town. You have the power to shape Amherst's future. What is the purpose of zoning if we are going to make marked changes in the standards we previously set for ourselves and our future?

In closing, I want to thank you for the work you do, including reading this letter, and share with you what Mayor Maddox said to the group in his mission statement:

"Please be objective. This committee is not designed to have a conclusion already in mind. Whatever recommendation that you make, a lot of people may not be happy with it, but you're serving your community, and that's an honor and a privilege."

Sincerely,

Ann S. Hollingworth

83 Henry Street, 34 years

To the Editor,

In recent months, many residents have expressed opinions about The Retreat, the student housing development proposed for Cushman Village. Here, according to news articles around the country, are some facts about The Retreat's developer, Landmark Properties:

- In Flagstaff, AZ, Landmark has informed the residents of a trailer park that they must vacate their homes to make way for student housing. A Landmark official says that they are "excited" and that the university is excited. The mobile home residents, however, are devastated.
- Last year, in Tuscaloosa, AL the police department received 464 calls from Landmark's 1,306-bed Retreat, including 64 serious crimes (including drug crimes, assaults, thefts, suicides). The task force that initiated the study of crime in 9 off-campus developments concluded that crime is most prevalent in larger complexes.
- At several Retreats (including Tucson and Lubbock), Landmark has advertised "a party bus" to take **residents to bars. Parents of Retreat occupants have complained that Landmark's policy encourages irresponsible and underage drinking.**
- In Eugene, OR, Landmark originally planned to build cottages like the ones slated for Amherst; then they proposed 30- to 40-foot high apartment buildings because they were more financially viable. To allow the taller buildings, Landmark wants Eugene to change the zoning regulations, arguing that they will offset the increased density with open space. Now Landmark wants to change their proposal again. Neighbors are worried.
- Some Newark, DE city officials are concerned that, although they voted to allow rezoning for a development planned for families and professionals, now Landmark has bought the unbuilt development and is marketing it to students as The Retreat at Newark: University of Delaware Apartments.
- 7 of the 8 Retreats built by Landmark since 2011 have been sold—flipped—often to real estate investment trusts, whose chief obligation must be to their shareholders.
- After Corvallis, OR residents voted to annex 33 acres so that Landmark could build The Retreat at Oak Creek, Landmark increased the proposed number of beds from 655 to 1008 and applied to state and federal authorities for a wetlands permit. Landmark wants to bring in over 100,000 cubic yards of dirt to fill the wetlands. Many residents are concerned about the post-annexation changes in the proposal, and about adverse impact on wildlife, water quality, and flood control.

The facts speak for themselves about the kind of developer/landlord The Retreat will bring to Amherst.

Ann Hollingworth
Amherst

To: Town of Amherst Planning Board

From: Christopher B. Pile
110 Bridge Street

Subject: The 'Retreat' Preliminary Plan

Although not a direct abutter, I have lived on Bridge Street in Cushman for the last 35 years. This proposed development is a direct threat to the small rural community that I call home.

After reviewing the Preliminary Plan and meeting with the Public Works Director and the Town Engineer, I feel I must write you with my grave concerns over the plan as submitted. Because Landmark has designated their roads as Private, there is really no input from the Public Works Department on what is clearly a non-compliant, unsafe and unacceptable design. The Director made it clear to me that the Town would never accept these roads as built. Landmark has asked you for a number of design exceptions which I respectfully request you deny. The following are my concerns:

- Roads

- Per Town standards, a road grade of 10% should only be allowed for short distances on minor streets. Road A on map 8 has a 10% grade for approximately 600 ft. Roads B & C have grades of 10% for approximately 800 ft. with two intersections each. There is clearly a safety hazard in the event of an ice storm at all of these intersections.
- Per Town standards, turning radius should be 246 ft. for minor and 345 ft. for secondary roads. The requested exception of 150 ft. should be denied. This is a safety issue for fire and emergency vehicles.
- Although Landmark states that they are going to encourage students to use their bikes, there are no bike lanes proposed on any of their roads.
- Landmark has proposed spaces for 768 vehicles. They have proposed three entrances to funnel these 768 vehicles onto our narrow rural streets and they have submitted a design with road widths of 24 ft., all without having submitted a traffic study. No exceptions should be granted until a traffic study has been done.

- Parking

- On-street parking is not allowed in Amherst during the winter months for good reasons. The proposed head-in parking creates safety issues in the cul-de-sacs as well as on the roadways.
- Snow removal will be impeded because there is no way to push the snow off of the side of the road to make way for the next storm.
- Plowed in vehicles make for a public safety hazard in the event of a fire or ambulance call to a dormitory.
- Vehicles longer than 18 ft., such as pick-up trucks with extended beds, will extend into the roadway.

- Cul-de-sacs
 - The standard length for cul-de-sacs is 800 ft. Landmark is requesting an exception of up to 1,400 ft.. This should be denied as it is clearly a safety hazard. Remembering the October 2012 snowstorm that brought down so many trees, it is not too difficult to imagine how many students in how many dormitories would be cut off from access by emergency personnel.
 - The 150 ft. radius and head-in parking in the cul-de-sacs creates a safety issue as it would impede emergency vehicles' access and maneuvering and impede personnel from deploying hoses and stretchers.
 - In the event of student initiated riots and fires (not an un-heard of occurrence at private student residences), the extreme length of the cul-de-sacs could cut off public safety personnel from their only line of reinforcement or retreat.

I ask you to please give this proposed plan the full scrutiny it deserves. I ask that you not grant the requested exceptions that so clearly violate Town standards and create public safety hazards. I feel that housing for 641 college students in our rural neighborhood of Cushman is a truly awful idea on a great many levels. Please don't compound this ill thought out venture by allowing Landmark to cut regulatory corners on the safety of their tenants and the public at large.

From: Craig Meadows [mailto:cmeadows@ctienergyservices.com]

Sent: Tuesday, December 03, 2013 12:00 PM

To: Brestrup, Christine

Subject: The Retreat

Dear Christine,

We would like to express our concerns over the proposed siting of the development known as "The Retreat".

We drive through that area often both in my car and on bicycle. Siting that many student apartments on a narrow road on which drivers go too fast even now would jeopardize the safety of both motorists and bikers. Without bike lanes on Henry, North East Street and in Cushman, this siting will become a hazard for anyone attempting to bike in the area.

The site will require an abnormally large number of waivers and in the long run this location for student residences will require a number of new stop lights: Cushman Center, East Pleasant and Pine and Strong and North East Street. This should not be an expense that the Town of Amherst is to bear.

We would appreciate your considering these problems in the Planning Board's deliberations.

Sincerely,
Craig and Pamela Meadows
112 Cottage Street
Amherst

To: Town of Amherst Planning Board
From: Ellen Leahy-Pile
Residence at: 110 Bridge St. for 20 years

Subject: Preliminary Plan for The Retreat

I live in the core of Cushman, a 2-3 minutes walk to the main entrance for the proposed development. My part of Cushman is an historic district of small homes squeezed between the wetlands of the Mill River Conservation Area and the steep slope of the Cushman Forest Reserve. In the hundreds of years that this part of Cushman has existed no one has found a more profitable use for the Forest than logging. No one has farmed it; no one has built a home on its forested upland. Why? It is steep, bony and wet. It is expensive and difficult to develop for residential use.

Now comes before you a Preliminary Plan which involves paying the amazing price of \$6.5 million for the western part of the Cushman Forest Preserve, proposing that 123 conventional lots can be built across its steep slopes and wetlands, and touting the benefits of a heavily modified cluster development of 136 lots along roads that are not built to publicly accepted standards. This substandard plan is being offered to our town after an amazing price was negotiated for the Forest.

I am asking that you discourage the applicant from moving forward with a design based on such an inadequate plan. Among the many concerns I have about the applicant's due diligence are:

- Yield Plan of 123 Traditional Subdivision Lots
 - The applicant has not requested a determination of wetlands from ConComm.
 - The official information on streams, wetlands and the required buffers may further limit the number of lots.
 - The unprecedented size of the traditional subdivision on steep, wet land provides the Planning Board with good cause for a lot by lot look at which lots are acceptable.
- Modified Cluster Development of 136 Lots
 - A simple cluster development would allow only the 123 lots shown on the Yield Plan.
 - Roads are permanent community infrastructure and this road design is unsafe. It does not allow our town to accept these as public roads. The applicant should bear the extra cost of a safe and standard road construction. Our town would, of course, have to bear the extra cost of plowing and road maintenance. But then this residential development is bringing our town additional tax revenues every year into the future and the residents of the development, through their rents, are paying for their own health and safety.
 - Parking is highly modified. With a simple cluster development 2 parking spaces are required per dwelling unit, 4 spaces for a duplex. The applicant is planning a student rental development akin to an apartment complex (something not allowed in R-O zones). The most frequent building footprint is for an 8 bedroom duplex dormitory with 9.2 parking places.

- Parking, although highly intensified, is inadequate. The applicant is preparing for 8 unrelated adults living in that 8 bedroom dormitory to have only 1.2 guests at any one time.
- To achieve highly intensified, modified parking, the plan proposes head-in parking which is more characteristic of the private roads for apartment complexes on Meadow and North Pleasant Streets. On this steep hill this type of parking is a hazard to bicyclists and to winter snow removal.
- Several cul de sacs are too long. Should this project need the frontages on these cul de sacs, the applicant needs to expand its land purchase and acquire additional rights of way that allow a secondary egress for the hundreds of students living on these roads. At least one of these rights of way is obvious at the end of the cul de sac labelled Road B.

I ask you to take a holistic view of how we plan for sustainable residential infill. I ask you to plan for both the safe use of this land for the narrow and special purpose of student rental housing and for the diverse populations that may use these roads and lots decades from now.

My own home and my next door neighbor's have stood where they are since the 1820's. They have been owner occupied and renter occupied; things have changed over time. We believe they were built to house mill workers for mills that no longer exist. Some of Cushman's roadways were built by people who did not imagine motorized vehicles.

Please look at this ill-advised Preliminary Plan with a view to the next 200 years.